



W.P.No.18352 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.03.2025

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

W.P.No.18352 of 2022

and

W.M.P.Nos.17697 of 2022 & 34866 of 2023

The Management,
represented by Mr.K.Duraisamy,
Managing Director,
Attur Town Cooperative Bank,
Attur – 636 102,
Salem District.

... Petitioner

Vs.

A.Jeeva

... Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari, to call for the records in order dated 18.04.2022 in C.P.No.15 of 2019 CNR No.TNSA 020001102019 of the Labour Court, Salem and peruse and quash the same.

For Petitioner : Mr.A.Radhakrishnan

For Respondent : Mr.R.M.D.Nazurullah



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ORDER

WEB COPY This Writ Petition has been filed by the petitioner seeking for issuance of a Writ of Certiorari, to call for the records in order dated 18.04.2022 in C.P.No.15 of 2019 CNR No.TNSA 020001102019 of the Labour Court, Salem and peruse and quash the same.

2. The case of the petitioner is that, the respondent joined the petitioner bank as clerk on 09.12.1987 and he retired from service on 31.05.2016. At the time of retirement, he worked as an Assistant in Narasingapuram Branch of Attur Town Co-operative Bank and his salary is Rs.52,500/-. At the time of retirement, the respondent has 240 days Earned Leave (E.L.) and he surrendered the E.L. and asked the amount for the earned leave. Thereafter, he filed a computation petition u/s 33(C)(2) of the Industrial Disputes Act, 1947 (in short 'the Act') on the file of the Labour Court, Salem in C.P.No.15 of 2019 and the Labour Court has allowed the same, directing the petitioner to pay a sum of Rs.4,20,000/- along with interest at the rate of 6% towards 240 days earned leave to the respondent. Though the petitioner bank has sent a letter to the respondent stating that the respondent can receive the entire earned leave amount of Rs.4,20,000/-, however, the respondent failed to



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receive the same from the petitioner-bank. Therefore, challenging the impugned award passed by the Labour Court, the above writ petition is filed before this Court.

3. Learned counsel for the petitioner submitted that, though the present writ petition has been filed seeking the aforesaid relief, however, at the time of arguments, the learned counsel for the petitioner restricted the prayer and sought for a direction of this Court permitting the petitioner bank to pay Rs.4,20,000/- as ordered by the Labour Court without any interest, within a time frame that may be stipulated by this Court.

4. Learned counsel appearing for the respondent submitted that, he has no objection for the above order being passed. However, if the petitioner bank fails to deposit the award amount within the prescribed time limit, this Court may direct the petitioner to pay the said amount along with interest at the rate of 6% from the date of retirement of the respondent i.e., 31.05.2016 till the date of deposit. Accordingly, he prays for appropriate orders.



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5. In view of the above submissions made by the learned counsel for the parties, this Court, without interfering with the impugned award, directs the petitioner bank to pay a sum of Rs.4,20,000/- towards 240 days earned leave as ordered by the Labour Court without any interest, less the amount, if any, already paid, to the respondent, within a period of two (2) weeks from the date of receipt of a copy of this order. If the petitioner fails to pay the said amount within the prescribed time, the petitioner bank is directed to pay the said amount with an interest at the rate of 6% from the date of retirement of the respondent i.e., 31.05.2016 till the date of deposit, to the respondent.

6. With the above directions, this Writ Petition is disposed of. No costs. Consequently, the connected writ miscellaneous petitions are closed.

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Index : Yes / No
Speaking order / Non-speaking order
Neutral Citation Case : Yes / No
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To
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The Labour Court, Salem.



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M.DHANDAPANI, J.

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